

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 315

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Gail C. Beam

AN ACT

RELATING TO HEALTH EDUCATION; ENACTING THE EMERGENCY  
CONTRACEPTION ACT; MAKING AN APPROPRIATION; DECLARING AN  
EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the  
"Emergency Contraception Act".

Section 2. LEGISLATIVE FINDINGS. -- The legislature finds  
that:

A. each year, three million pregnancies, or one-  
half of all pregnancies, in the United States are unintended,  
and one-half of all of those unintended pregnancies end in  
abortion;

B. the federal food and drug administration has  
declared emergency contraception to be safe and effective in

underscored material = new  
[bracketed material] = delete

1 preventing unintended pregnancy, reducing that risk by as much  
2 as eighty-nine percent;

3 C. the most commonly used forms of emergency  
4 contraception are regimens of ordinary birth control pills  
5 taken at specific doses within seventy-two hours of unprotected  
6 intercourse or contraception failure;

7 D. emergency contraception, also known as post-  
8 coital contraception, is a responsible means of preventing  
9 pregnancy that works like other hormonal contraception to delay  
10 ovulation, prevent fertilization or prevent implantation;

11 E. emergency contraception does not cause abortion  
12 and will not affect an established pregnancy;

13 F. it is estimated that the use of emergency  
14 contraception could cut the number of unintended pregnancies in  
15 half, thereby reducing requests for abortion;

16 G. emergency contraception use in the United States  
17 remains low because as many as nine out of ten women of  
18 childbearing age are unaware of the availability of this method  
19 of contraception;

20 H. although the American college of obstetricians  
21 and gynecologists recommends that doctors routinely offer women  
22 of reproductive age a prescription for emergency contraception  
23 pills during their annual visit, only one in five obstetricians  
24 or gynecologists routinely discusses emergency contraception  
25 with patients, suggesting a need for greater provider and

underscored material = new  
[bracketed material] = del ete

1 patient education;

2 I. in light of their safety and efficacy, both the  
3 American medical association and the American college of  
4 obstetricians and gynecologists have endorsed more widespread  
5 availability of emergency contraceptive pills and have  
6 recommended that emergency contraceptive products be available  
7 without a prescription;

8 J. a publication of the federal office of the  
9 surgeon general, *Healthy People 2010*, establishes a ten-year  
10 national public goal of increasing the proportion of health  
11 care providers who provide emergency contraception to their  
12 patients; and

13 K. public awareness campaigns targeting women and  
14 health care providers will help remove many of the barriers to  
15 emergency contraception and will help bring this important  
16 means to prevent unintended pregnancy to American women.

17 Section 3. DEFINITIONS.--As used in the Emergency  
18 Contraception Act:

19 A. "department" means the department of health;

20 B. "emergency contraception" means a drug or device  
21 that is:

22 (1) used after unprotected sexual intercourse  
23 or after contraception failure;

24 (2) taken to prevent pregnancy by preventing  
25 ovulation or fertilization or implantation of an egg in a

underscored material = new  
[bracketed material] = delete

1 uterus; and

2 (3) approved by the federal food and drug  
3 administration that prevents pregnancy;

4 C. "health care provider" means a person licensed  
5 or certified pursuant to state law to provide health care  
6 services who is operating within the scope of that license; and

7 D. "medically and factually accurate and objective"  
8 means verified or supported by the weight of research conducted  
9 in compliance with accepted scientific methods and standards;  
10 published in peer-reviewed journals; and recognized as accurate  
11 and objective by leading professional organizations and  
12 agencies with relevant expertise in the field of obstetrics and  
13 gynecology, such as the American college of obstetricians and  
14 gynecologists.

15 Section 4. DEPARTMENT PUBLIC EDUCATION PLAN. --

16 A. The department shall develop and implement a  
17 public education plan to increase both awareness about and  
18 accessibility to emergency contraception in New Mexico. The  
19 plan shall be completed on or before September 30, 2003.

20 B. The department's plan shall include a public  
21 information program about emergency contraception providing, at  
22 minimum:

- 23 (1) a description of emergency contraception;  
24 (2) an explanation of the safety, efficacy and  
25 availability of emergency contraception; and

. 143328. 1

underscored material = new  
[bracketed material] = delete

1 (3) an explanation of the dosage required and  
2 the timing of the use of emergency contraception to obtain the  
3 greatest probability of preventing an unintended pregnancy.

4 C. Outreach efforts included in the department's  
5 plan shall provide public education about emergency  
6 contraception through the use of radio or television public  
7 service announcements, information booths at public events or  
8 places, outdoor advertising and other methods of reaching the  
9 public with information about emergency contraception.

10 Section 5. HEALTH CARE PROVIDER PROGRAM -- The department,  
11 at minimum, shall:

12 A. develop and implement an emergency contraception  
13 information and training program to enable health care  
14 providers to effectively disseminate emergency contraception in  
15 a medically and factually accurate and objective manner;

16 B. provide materials that can be used by health  
17 care providers that explain the use, safety, efficacy,  
18 availability and prescription protocols for use of emergency  
19 contraception;

20 C. provide health care providers with materials  
21 that may be disseminated to patients and with information about  
22 obtaining additional information and public education materials  
23 for dissemination to patients and staff;

24 D. recommend and actively encourage the appropriate  
25 use and prescribing of emergency contraception by health care

. 143328. 1

1 providers; and

2 E. provide information to health care providers.

3 Section 6. APPROPRIATION.--Fifty thousand dollars  
4 (\$50,000) is appropriated from the general fund to the  
5 department of health for expenditure in fiscal year 2004 to  
6 implement the Emergency Contraception Education Act. Any  
7 unexpended or unencumbered balance remaining at the end of  
8 fiscal year 2004 shall revert to the general fund.

9 Section 7. EMERGENCY.--It is necessary for the public  
10 peace, health and safety that this act take effect immediately.

underscored material = new  
[bracketed material] = delete